

# HOUSE BILL No. 2020

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 7.1-3.

**Synopsis:** Various ABC matters. Corrects a reference to the Indiana Administrative Code in order to cite the current rule on Sunday sales of alcoholic beverages by certain retailers. Provides that the alcoholic beverage commission (ABC) may not issue a beer retailer's permit to a person who, within ten years before the date of application, has been convicted of certain federal or state crimes. Provides that the holder of an alcoholic beverages club permit may keep a guest book listing members and their nonmember guests, except on designated guest days.

**Effective:** July 1, 1999.

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January 27, 1999, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## HOUSE BILL No. 2020

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A BILL FOR AN ACT to amend the Indiana Code concerning alcoholic beverages.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 7.1-3-1-14 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. (a) It is lawful for  
3 an appropriate permittee, unless otherwise specifically provided in this  
4 title, to sell alcoholic beverages each day Monday through Saturday  
5 from 7 a.m., prevailing local time, until 3 a.m., prevailing local time,  
6 the following day. Sales shall cease wholly on Sunday at 3 a.m.,  
7 prevailing local time, and not be resumed until the following Monday  
8 at 7 a.m., prevailing local time.  
9 (b) It is lawful for the holder of a supplemental retailer's permit  
10 which is not specified in subsection (c) to sell the appropriate alcoholic  
11 beverages on Sunday from noon, prevailing local time, until 12:30 a.m.,  
12 prevailing local time, the following day.  
13 (c) It is lawful for the holder of a supplemental retailer's permit to  
14 sell the appropriate alcoholic beverages on Sunday from 11:00 a.m.,  
15 prevailing local time, until 12:30 a.m., prevailing local time, the  
16 following day if the holder of the permit meets the following criteria:  
17 (1) the holder of the permit is a hotel; or

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IN 2020—LS 6894/DI 2+



(2) the holder of the permit meets the requirements of 905

~~IAC 1-15.1-2(a)~~; **905 IAC 1-41-2(a).**

(d) Notwithstanding subsections (b) and (c), if December 31 (New Year's Eve) is on a Sunday, it is lawful for the holder of a supplemental retailer's permit to sell the appropriate alcoholic beverages on Sunday, December 31 from the time provided in subsection (b) or (c) until 3 a.m. the following day.

(e) It is lawful for the holder of a permit under this article to sell alcoholic beverages at athletic or sports events held on Sunday upon premises:

(1) described in section 25(a) of this chapter;

(2) used in connection with the operation of a paved, oval track more than two (2) miles in circumference that is used primarily in the sport of auto racing; or

(3) being used for a professional or an amateur tournament;

beginning one (1) hour before the scheduled starting time of the event or, if the scheduled starting time of the event is 1 p.m. or later, beginning at noon.

SECTION 2. IC 7.1-3-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The commission shall not issue a beer retailer's permit, except as otherwise authorized in this title and subject to the other restrictions contained in this title, to the following persons:

(1) An alien.

(2) A person who:

(A) is not of good moral character and of good repute in the community in which the person resides; or

**(B) has been convicted within ten (10) years before the date of application of:**

**(i) a federal crime having a sentence of at least one (1) year;**

**(ii) an Indiana Class A, Class B, or Class C felony; or**

**(iii) a crime in a state other than Indiana having a penalty equal to the penalty for an Indiana Class A, Class B, or Class C felony.**

(3) A person who does not own the premises to which the permit will be applicable, or who does not have a bona fide lease on the premises for the full period for which the permit is to be issued.

(4) A law enforcement officer or an officer who is not an elected officer of a municipal corporation, or governmental subdivision, or of this state, charged with any duty or function in the enforcement of this title.



(5) An officer or employee of a person engaged in the alcoholic beverage traffic, which person is a nonresident of this state, or is engaged in carrying on any phase of the manufacture of, traffic in, or transportation of alcoholic beverages without a permit under this title when a permit is required by this title.

(6) If the permit applicant does not hold a brewer's permit, a person who leases from a person, or an officer or agent of that person, who holds a brewer's permit or a beer wholesaler's permit.

(7) If the permit applicant does not hold a brewer's permit, a person who is indebted to a person who holds a brewer's permit or a beer wholesaler's permit, or an officer or agent of that person, for a debt secured by a lien, mortgage, or otherwise, upon the premises for which the beer retailer's permit is to be applicable, or upon any of the property or fixtures on the premises, or used, or to be used in connection with the premises.

(8) A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required for the issuance of a beer retailer's permit to the person.

(9) A minor.

(10) A person non compos mentis.

(11) A person who has held a permit under this title and who has had that permit revoked within one (1) year prior to the date of application for a beer retailer's permit.

(12) A person who has made an application for a permit of any type which has been denied less than one (1) year prior to the person's application for a beer retailer's permit unless the first application was denied by reason of a procedural or technical defect.

(13) A person who is not the proprietor of a restaurant located and being operated on the premises described in the application for the beer retailer's permit, or of a hotel, or of a club, owning, or leasing the premises as a part of it. The disqualification contained in this subdivision shall not apply to the qualifications for or affect the privileges to be accorded under a beer dealer's permit or a dining car beer permit.

(b) Subsection (a)(9) does not prevent a minor from being a stockholder in a corporation.

SECTION 3. IC 7.1-3-20-8.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8.6. (a) The holder of a club permit may do the following:

(1) Designate one (1) day in each month as "guest day".



1 (2) Keep a record of all designated guest days.

2 (3) Invite guests who are not members of the club to attend the  
3 club on a guest day.

4 (4) Sell or give alcoholic beverages to guests for consumption on  
5 the permit premises on a guest day.

6 **(5) Keep a guest book listing members and their nonmember**  
7 **guests, except on a designated guest day.**

8 (b) This subsection applies to a club that furnishes alcoholic  
9 beverages on not more than two (2) days in each week.  
10 Notwithstanding subsection (a)(1), the holder of a club permit to which  
11 this subsection applies may designate twenty-four (24) guest days in  
12 each calendar year rather than one (1) guest day in each month.

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